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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10 GARY LEVY, an individual,

11                   Plaintiff,

12                   v.

13                   GOOGLE LLC, a California company,

14                   Defendant.

15                   Case No. 2:23-cv-01678-BJR

16                   STIPULATED MOTION AND ORDER TO  
17                   CONTINUE TRIAL DATE AND  
18                   ASSOCIATED DEADLINES

19                   Pursuant to Fed. R. Civ. P. 16(b)(4), LCR 7(d)(1) and LCR 10(g), Plaintiff Gary Levy  
20                   (“Levy”) and Google LLC (“Google”), file this stipulated motion for an order continuing the trial  
21                   date in this case from March 10, 2025 to September 22, 2025. The parties further request the Court  
22                   amend the dates set forth in the Order Setting Trial Date and Related Dates consistent with the  
23                   new trial date.

24                   Good cause exists for the continuance. The parties have scheduled mediation for November  
25                   11, 2024, and have agreed to forgo all depositions pending mediation in an effort to contain costs  
26                   while the parties explore resolution.

27                   Despite the parties’ diligence in attempting to schedule mediation, it was difficult to find  
28                   dates that worked for all parties with a mutually agreeable mediator. The parties began discussing  
29                   the possibility of mediation with Cliff Freed in mid-June of 2024, but were unable to secure a date

1 within a reasonable time frame. *See Declaration of April Upchurch Fredrickson in Support of*  
 2 *Stipulated Motion to Continue Trial Date and Associated Deadlines* (“Fredrickson Decl.” at ¶ 2).  
 3 The parties were making efforts to schedule mediation in September and October, but no dates  
 4 were available with the parties’ preferred mediators. *Id.* The parties were finally able to schedule  
 5 mediation for November 11, 2024. *Id.*

6 The late nature of the parties’ mediation, their agreement to forgo depositions pending  
 7 mediation, and counsel’s inability to schedule trial during the summer of 2024, will result in a trial  
 8 in September, 2025. All counsel and parties are available the week of September 22, 2025.

9 The Parties further agree that no exigent circumstances exist that would require an  
 10 immediate trial, no prejudice would result from a continuance, and the interests of justice would  
 11 be served by the continuance. In addition, the parties’ decision to delay costly depositions until  
 12 after the parties participate in mediation will result in more efficient litigation. The parties  
 13 therefore propose the following amendments to the case schedule:

Deadline	Current Deadline	Amended Deadline
Jury Trial Date	March 10, 2025	September 22, 2025
Reports from expert witness under FRCP 26(a)(2)	August 12, 2024	February 10, 2025
Discovery completed by	September 13, 2024	March 14, 2025
All dispositive motions	October 11, 2024	April 11, 2025
All motions in limine must be filed by	February 3, 2025	August 4, 2025
Joint Pretrial Statement	February 10, 2025	August 11, 2025
Pretrial Conference	February 25, 2025	August 26, 2025
Length of Jury Trial		5 days

DATED this 5<sup>th</sup> day of September, 2024.

*s/April Upchurch Fredrickson*

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*s/Gregory M. Skidmore*

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Attorneys for Plaintiff Gary Levy

**ORDER**

IT IS SO ORDERED.

DATED this 6th day of September 2024.

  
\_\_\_\_\_  
UNITED STATES DISTRICT COURT JUDGE

## **CERTIFICATE OF SERVICE**

I hereby certify that on September 5, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Gregory M. Skidmore  
Vera P. Fomina  
Mason C. Hudon  
**SKIDMORE FOMINA, PLLC**  
1800 112<sup>th</sup> Ave, Ste 270E  
Bellevue, WA 98004

- via Hand Delivery
- via U.S. Mail
- via E-Service
- via Email
- via CM/ECF

Under the laws of the United States of America and the state of Washington, the undersigned hereby declares, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge.

Signed at Seattle, Washington, on September 5, 2024.

s/Elizabeth Pitman  
Elizabeth Pitman, Legal Assistant

4855-9207-2920.1